

May 15, 2002

Notice Regarding New Case Management System (CM/ECF) Transition: Release No. 3

Effective Monday, January 7, 2002, the U. S. Bankruptcy Court for the District of Colorado implemented a new case management system known as CM/ECF, by General Procedure Order (GPO) Number 2001-8 dated December 19, 2001. Copies of GPO 2001-8 and Administrative Procedures for Electronic Case Files attached thereto are available on the Court's web page at www.cob.uscourts.gov or at the Clerk's Office. CM/ECF is a nationally mandated case management system that replaces the BANCAP system. In the next few years, all bankruptcy courts in the nation will convert to CM/ECF. District courts will follow soon thereafter. Among other things, CM/ECF provides capability for the electronic filing of documents which we intend to implement in stages beginning later this year.

As with all major database and automated operating system conversions, implementation of CM/ECF will change the way we conduct business. It is anticipated that minor glitches and disruptions may occur, but we are confident in our ability to find solutions and to correct the problems. We feel it is important to keep you informed during the transition and to explain the procedural changes we make under CM/ECF. However, your continued understanding and cooperation is critical to the success of the transition. We intend to provide information to you in the form of numbered notices. This notice contains information regarding several recent and important changes and we urge you to read this Notice very carefully. Previously released notices may be found on our web site at www.cob.uscourts.gov

Amending Documents and Other Miscellaneous Pleadings: When amending documents or pleadings, please underscore (underline) or use asterisks with explanatory reference notes to identify the added material. Since highlighted color is not readable in our scanning process, please do not highlight the amended text with colored markers.

Returned Mail: The Bankruptcy Noticing Center files certificates of mailing with the clerk which provide a complete record of the entities and addresses to whom notices and orders have been mailed. Accordingly, the judges have agreed that all mail returned to the Court as undeliverable will be discarded without further inspection and/or adjustment to the case records. Therefore, attorneys are urged to keep current and accurate addresses of all clients, creditors, and interested parties.

“Filed” Stamp on Court-Generated Orders and Notices: Last month, we advised that certain documents generated by the court and filed electronically did not bear a stamped “Filed” date thereon. Beginning June 3, 2002, no “Filed” stamp will appear on any court-generated notice or

order. The date appearing on the notice or order will serve as the filing date, and the Clerk will endeavor to enter notices and orders on the docket on the same date the notice is issued or the order is signed. This will permit us to develop internal procedures that allow for the electronic preparation, signing and entry of all notices and orders. The Clerk will continue to serve Notices of the date of entry of judgments and final orders in accordance with the requirements of Fed.R.Bankr.P. 9022(a).

Initial Case Deficiencies: An internal report prepared by the Clerk revealed that 22.3% of all new cases filed during the first four months of 2002 were deficient, and many of these cases had more than one deficiency. It appeared that many attorneys file deficient cases as a matter of course. These deficient cases create significant administrative problems, including the timely setting and mailing of the notice of the §341 meeting, not to mention the time and expense incurred in preparing and mailing deficiency notices. In order to enforce compliance with the Code and applicable rules of procedure, the following procedural changes have been implemented, effective as indicated:

Section 341 meeting notice immediately set and mailed: Effective immediately, in all chapter 7 cases, the clerk will set and mail the §341 meeting notice within one to three days after the case is filed to ensure that the §341 meeting notice is set and mailed within the time periods prescribed by Fed.R.Bankr.P. 2002 and 2003. The mailing of the §341 meeting notice will no longer be delayed if the debtor fails to submit a properly formatted matrix diskette.

Debtor required to mail Section 341 meeting notice if case is filed without a readable creditors matrix diskette: Effective immediately, if the debtor does not submit a properly formatted creditor matrix diskette with the petition, the readability of which will be confirmed at the counter at the time of submission, the clerk will mail the §341 meeting notice only to the debtor, debtor's counsel, if any, the U.S. Trustee, and the trustee assigned to the case. In that event, it will be the debtor's responsibility to mail the §341 meeting notice to all creditors who should have been properly listed in the matrix diskette, and to file a certificate of service as evidence thereof. Debtor and debtor's counsel will be reminded of this requirement in the deficiency notice. Failure to complete the mailing is grounds for dismissal based on the U. S. Trustee's Standing Motion to Dismiss Deficient Case pursuant to Local Bankruptcy Rule 505(a).

GPO 2002-4 in the Matter of Deficient Cases Tendered for Filing Effective June 17, 2002: On May 13, 2002, the judges promulgated General Procedure Order 2002-4 in response to the many deficient cases tendered for filing. Pursuant to GPO 2002-4, if a voluntary petition is tendered for filing under Title 11 that is not accompanied by either the statement of financial affairs and schedules or the list of names and addresses of creditors in a properly formatted creditor matrix diskette pursuant to 11 U.S.C. 521(1) and Fed.R.Bankr.P. 1007(a)(1), **the clerk shall (1) not accept the petition for filing, and (2) forthwith return said petition to the petitioner or attorney appearing on behalf of the petitioner with a notice setting forth the reasons why the petition was not accepted for filing.** The complete text of General Procedure Order 2002-4 is available in the clerk's office or can be found on the web site at www.cob.uscourts.gov

Again, we appreciate your continued understanding and cooperation during this transition.

Bradford L. Bolton, Clerk